

DENIED as premature. Fees will await the determination of the Commissioner on remand and the review thereof by this Court.



**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF TENNESSEE
NORTHEASTERN DIVISION**

STEPHANIE BAYLES,]	
]	CIVIL NO. 2:09-cv-00114
PLAINTIFF,]	Senior Judge Wiseman
]	
v.]	
]	
MICHAEL J. ASTRUE,]	
COMMISSIONER OF SOCIAL SECURITY]	
]	
DEFENDANT.]	

**MOTION FOR ATTORNEY FEES
PURSUANT TO THE EQUAL ACCESS TO JUSTICE ACT AND
MEMORANDUM OF LAW IN SUPPORT THEREOF**

Plaintiff, **STEPHANIE BAYLES**, moves this Honorable Court for attorney fees pursuant to the Equal Access to Justice Act, 5 U.S.C.S. §504 and 28 U.S.C.S. §2412 as the Commissioner's position in this case lacks substantial justification.

I. Factual Background

STEPHANIE BAYLES, a Putnam County, Tennessee resident, applied for Supplemental Security Income Benefits on February 28, 2008. [TR 80-90] On July 2, 2008, the State Agency denied this claim. [TR 36-39] On August 27, 2008 STEPHANIE BAYLES requested reconsideration of this claim. [TR 41] and on November 20, 2008 the State Agency again denied this claim for benefits. [TR 42-43] On January 27, 2009 STEPHANIE BAYLES requested a hearing before an administrative law judge. [TR 45-47] MS. BAYLES attended a hearing before Honorable Andrew Sloss on March 26, 2009. She was represented by counsel, and both